

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LAWRENCE D RENFROW,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. H-04-4470
	§	
WAY SERVICES LTD,	§	
	§	
Defendant.	§	

MEMORANDUM OPINION AND ORDER

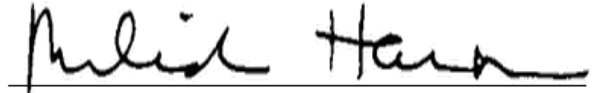
Pending before the court is Defendant Way Services LTD's motion for summary judgment (Doc. 17). Defendant filed this motion well over three months ago, on 4 August 2005. Plaintiff Lawrence Renfrow has yet to file any response. According to Local Rules 7.3 and 7.4, a party must file its opposition to a motion within twenty days from filing. If a party fails to file its opposition within the allotted time, the court will deem the motion unopposed and grant it. Accordingly, Defendant's motion for summary judgment is **GRANTED**.

In its motion, Defendant also seeks an award of attorney's fees. After reviewing the pleadings and evidence on file, the court has determined that Plaintiff's complaint was not so "frivolous, unreasonable, or without foundation" as to merit an award of attorney's fees. Christiansburg Garment Co. v. EEOC, 434 U.S. 412, 421 (1978); see also, United States v. Mississippi, 921 F.2d 604,

609 (5th Cir. 1991). Therefore, Defendant's motion for attorney's fees is

DENIED.

Signed at Houston, Texas, this 5th day of December, 2005.

A handwritten signature in black ink, appearing to read "Melinda Harmon", written over a horizontal line.

Melinda Harmon
United States District Judge